

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAYBORN J. DURAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:16CV86
	)	
ANTHONY G. CHARLES, M.D.,	)	
	)	
Defendant.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and on December 30, 2016, was served on the parties in this action. (ECF Nos. 22, 23.) No objections were filed within the time prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED AND ADJUDGED that the Motion to Dismiss (ECF No. 12) is **DENIED**.

This, the 26<sup>th</sup> day of January, 2017.

/s/ Loretta C. Biggs  
United States District Judge